IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NOS : 175 and 794 of 2002

-

-

WRIT APPEAL No.175 of 2002:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04-01-2002in W.P.No.15057 of 2001 on the file of the High Court.)

Between:

K. Adiseshaiah, S,o K. Ramaish, Aged 71 years,R/o 8-3-167/D/194-A, Kalyan Nagar, Vengure-1, Hyderabad-38. **.... APPELLANT**

AND

1. The Registrar of Cooperative Societies, Hyderabad.

2. The Deputy Registrar of Cooperative Societies,

Block No.M7, 3rd Floor, APHB Complex, M.J.Road,Hyderabad.

3. Kalyan Nagar Cooperative Housing Limited, (Regd.No.TAB-218),

Represented by its Chairman, PIC Committee, Plot No.2, Sai Nagar,

Picket, Secunderabad.

4. C. Seetharamaiah Chowdary,

S/o Sri Kanthaiah, aged 75 years, Plot No2, Sai Nagar,

Picket, Secunderabad.

5. C. Ramesh Kumar Reddy,

Election Officer, Kalyan Nagar Housing Society Limited,

Plot No.2, Sai Nagar, Picket, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.B.ADINARAYANA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.3: None appeared.

Counsel for the Respondent No.4: Mr. C. Ramakrishna.

Counsel for the Respondent No.5: Mr. P. Surendra Babu.

WRIT APPEAL No.794 of 2002:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04-01-2002 in W.P.No.15057 OF 2001 on the file of the High Court.)

Between:

1. The Registrar of Cooperative Societies, Hyderabad.
2. The Deputy Registrar of Cooperative Societies, Block No.M7, 3rd Floor, APHB Complex, M.J. Road, Hyderabad. **.... APPELLANTS**

AND

1. K. Adiseshaiah, S,o K. Ramaish, Aged 71 years,R/o 8-3-167/D/194-A, Kalyan Nagar, Vengure-1, Hyderabad-38.

2. Kalyan Nagar Cooperative Housing Society Limited, (Regd.No.TAB-218),Represented by its Chairman, PIC Committee, Plot No.2, Sai Nagar,

Picket, Secunderabad.

3. C. Seetharamaiah Chowdary,

S/o Sri Kanthaiah, aged 75 years, Plot No2, Sai Nagar,

Picket, Secunderabad.

4. C. Ramesh Kumar Reddy,

Election Officer, Kalyan Nagar Housing Society Limited,

Plot No.2, Sai Nagar, Picket, Secunderabad.

.....RESPONDENTS

Counsel for the Appellants: GP FOR COOPERATION
Counsel for the Respondent No.1: MR.B.ADINARAYANA RAO
Counsel for the Respondent No.2: None appeared.
Counsel for the Respondent No.3: Mr. C. Ramakrishna.
Counsel for the Respondent No.4: Mr. P. Surendra Babu.

The Court made the following:

COMMON JUDGMENT: (Per Hon'ble Sri BRSR,J)

Both these writ appeals are disposed of by a common judgment since they arise out of the same order, dated 04-01-2002, passed by the learned Single Judge in W.P.No.15057 of 2001.

We have heard the learned Government Pleader for Co-operation and the learned Counsel appearing on behalf of the appellants and respondents. The writ petition itself has been filed seeking a writ of Mandamus to declare the action of the fourth respondent in the writ petition in conducting elections to the third respondent-Society by

appointing the fifth respondent as the Election Officer and the election notice issued by him as illegal, arbitrary and contrary to the provisions of A.P. Cooperative Societies Act, 1964. The election notice, dated 13-07-2001, issued by the fifth respondent is also challenged in the writ petition. That as usual, there appears to be warring groups in this particular Kalyan Nagar Co-operative Housing Society Limited also. Be that as it may, the learned Single Judge refused to interdict the election process and accordingly vacated the interim stay earlier granted and directed the fifth respondent to complete the remaining election process including the publication of results.

This Court while admitting W.A.No.175 of 2002 granted stay of conduct of elections to the Society in question. While admitting W.A.No.794 of 2002, we have passed interim order directing the Official person-in-charge Committee not to take any major decisions whatsoever until further orders. We have further directed the Official person-in-charge Committee not to enrol new members or disqualify any of the existing members until further orders and clarified that the 'elected managing Committee' that had come into office in the elections held pursuant to the directions of the learned Single Judge itself was be subject to further orders to be passed in the writ appeal.

However, the learned Counsel for the appellants, the learned Government Pleader and the learned Counsel for the respondents submit that as on today, the management of the affairs of the Society is in the hands of Official person-in-charge Committee. We are also required to notice that a Division Bench of this Court in W.A.No.1937 of 2001 directed the competent authorities to immediately appoint an official person-in-charge for the Society for its day-to-day affairs. Thus, the Official person-in-charge Committee itself has been appointed pursuant to the directions of this Court.

In such view of the matter, the only direction that could be issued at

this stage is to direct the authorities to hold fresh elections to elect the managing committee of the Society. The elections shall be held and completed within a period of four months from the date of receipt of a copy of this order.

That until the elections are held resulting in election of an elected managing Committee to manage the affairs of the Society, the official person-in-charge Committee shall continue to manage the affairs of the Society. However, the Official person-in-charge Committee is bound by our order dated 26-04-2002 passed in W.A.M.P.No.1500 of 2002.

The writ appeals are accordingly disposed of. No costs.

_____

(**B. SUDERSHAN REDDY,J**)

Date: 21-07-2004

_____

(K.C. BHANU,J)

Note:

Office to furnish C.C.

in three days.

(B/o)

ghn/grr

To

1. The Registrar of Cooperative Societies, Hyderabad.

2. The Deputy Registrar of Cooperative Societies, Block No.M7, 3rd Floor,
   APHB Complex, M.J. Road, Hyderabad.

3. Two CC copies to the Government Pleader for Cooperation.

4. Two CD copies

–